



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

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APR 08 2010

Diana C. Messina
Supervising Engineer
NPDES/WDR Permit Writing Section
Central Valley Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Re: Tentative Order/Draft NPDES Permit for Placer County Sewer Maintenance
District 1 WWTP (NPDES Permit No. CA0079316)

Dear Ms. Messina:

Thank you for the opportunity to review and comment on the tentative order/draft permit (NPDES Permit No. CA0079316) for the discharge from Placer County Sewer Maintenance District 1 WWTP to Rock Creek, which was public noticed on March 11, 2010. We have concerns about the draft permit that need to be addressed to ensure the permit effectively protects water quality and complies with NPDES requirements. Our comments on the draft permit focus primarily on the anti-degradation analysis for increased flow, the compliance schedule for ammonia, and updating and strengthening the pretreatment, biosolids and whole effluent toxicity requirements.

A. Anti-degradation and Increased Flow Request

We support the Regional Board's conclusion in the tentative order/draft permit to reject the discharger's request for an increased flow limit from 2.18 MGD to 2.7 MGD, based on anti-degradation. The Regional Board should not allow the discharger an increased flow, based on the following:

1. During the previous permit term, the Regional Board issued three Administrative Civil Liability Complaint orders including mandatory minimum penalties to the discharger for violations, two of which were issued for violations of the current permit requirements. The fact sheet of the tentative order/draft permit shows the discharger exceeded the current permit effluent limits for multiple parameters.

2. According to the fact sheet of the tentative order/draft permit, the discharger stated the expansion is necessary to accommodate wastewater flows by 2034 based on a review of planned growth within the service area.
3. The discharger's planned upgrade will begin construction in 2011, but will not be complete until December 2014.
4. The discharger continues to have inflow/infiltration to the treatment system during wet weather, which causes an exceedance of design capacity and ultimately a bypass of tertiary treatment.

As the discharger has a history of noncompliance, an increased flow would cause additional loading of pollutants to the receiving water, which would degrade water quality and impact beneficial uses. The demand for increased flow is not expected for 24 years, and the planned upgrade will not be complete until near the end of this next permit term. Thus, the Regional Board should not authorize an increase in flow for the term of this permit.

B. Compliance Schedule for Ammonia

It is not clear that inclusion of the compliance schedule for ammonia in the tentative order/draft permit is consistent with the requirements of the State's compliance schedule policy, State Water Resources Control Board Resolution No. 2008-0025. Resolution No. 2008-0025 states "compliance schedules for NPDES permits only be granted when the discharger must implement actions to comply with a more stringent permit limitation, such as designing and constructing facilities or implementing new or significantly expanded programs and securing financing, if necessary, to comply with permit limitations implementing new, revised, or newly interpreted water quality objectives or criteria in water quality standards." The Resolution defines a "newly interpreted water quality objective or criterion in a water quality standard" to mean "a narrative water quality objective or criterion that, when interpreted during NPDES permit development (using appropriate scientific information and consistent with state and federal law) to determine the permit limitations necessary to implement the objective, result in a numeric permit limitation more stringent than the limit in the prior NPDES permit issued to the discharger."

According to the fact sheet, the previous permit contained floating limits for ammonia based on the Basin Plan's narrative toxicity criterion. The draft permit bases the new ammonia limits on the same narrative criterion; however, the specific proposed limits appear to be more stringent or less stringent than the limits applied under the previous permit, depending on specific pH and temperature. The Regional Board should either clarify how the compliance schedule for ammonia is consistent with the State's compliance schedule policy or consider placing it in a Cease and Desist or Time Schedule Order.

C. Priority Pollutant Scans

The Regional Board should clarify the requirements for priority pollutant scans of the effluent and receiving water in the tentative order/draft permit and monitoring and reporting program. The frequency for priority pollutant scans of the effluent and

receiving water are not consistent. The draft permit requires effluent priority pollutant scans be performed quarterly in the 4th year of the permit; however, receiving water priority pollutant scans are required annually and concurrently with the effluent scans. If receiving water priority pollutant scans are required to be performed concurrently with effluent scans, effluent scans should be annual. The Regional Board should require annual priority pollutant scans of the effluent to allow for comparison with receiving water priority pollutant scans and also for the assessment of pretreatment. For the assessment of pretreatment, the Regional Board should require both influent and effluent annual priority pollutant scans.

D. Pretreatment Requirements

The Regional Board should update the tentative order/draft permit and monitoring and reporting program with the most current pretreatment requirements. These requirements can be found at:

http://www.epa.gov/region09/water/pretreatment/files/pretreatment_program_implementation_permit_conditions.pdf.

The Regional Board should replace the draft permit requirements as follows: numbers 1-3 from the above PDF should be included in the tentative order and numbers 4 and 5 should be included in the Monitoring and Reporting Program. The Regional Board should include the following reporting address:

Regional Pretreatment Coordinator
CWA Compliance Office (WTR-7)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

In addition, the Regional Board should update their current permit template with these pretreatment requirements.

E. Biosolids Requirements

The Regional Board should update the tentative order/draft permit and monitoring and reporting program with the most current biosolids requirements, including the correct reporting address. The latest biosolids requirements are enclosed as Attachment A. These requirements should also replace the biosolids requirements in the Regional Board's permit template.

F. Whole Effluent Toxicity Accelerated Testing Requirements

The Regional Board should modify the chronic whole effluent toxicity and accelerated testing requirements in pages 23 through 25 of the tentative order/draft permit to clarify the difference between the TRE plan to be submitted within 90 days (the initial investigation TRE workplan) and the plan submitted after accelerated testing (a detailed TRE workplan). The plan names should be consistent with USEPA guidance and the Regional Board should specify what is required to be included in each plan. The Regional

Board should change the language to exclude the words "a pattern of," as this is subjective. Additionally, these TRE requirements should be consistent in all permits.

G. Other Clarifications

1. The Regional Board should clarify the language in paragraph 2 of page 8, which states: "This Order does not include compliance schedules or interim effluent limitations;" The tentative order/permit does include compliance schedules for tertiary, ammonia, and total coliform, with interim limits for ammonia and total coliform. As explained above, it is unclear whether the proposed compliance schedule for ammonia is appropriate.
2. The Regional Board should include in the tentative order/draft permit the requirement discussed in the fact sheet on Page F-5, which states: "the permit requires that maintenance of the chlorine contact channel is only allowed when daily average flows are at or below 2.18 MGD."

We appreciate the opportunity to provide input on the tentative order/draft permit. If you would like to discuss these comments, please contact Elizabeth Sablad of my staff at (415) 972-3044.

Sincerely,

A handwritten signature in black ink, appearing to read "David Smith". The signature is fluid and cursive, with the first name "David" and last name "Smith" clearly distinguishable.

David Smith, Manager
NPDES Permits Office (WTR-5)

Attachment A: Biosolids Requirements

(Note: "Biosolids" refers to non-hazardous sewage sludge, as defined at 40 CFR 503.9. Sewage sludge that is hazardous, as defined at 40 CFR 261, must be disposed of in accordance with the RCRA.)

i. General Requirements

(a) All biosolids generated by the Discharger shall be used or disposed of in compliance with applicable portions of: 40 CFR 503—for biosolids that are land applied, placed in a surface disposal site (dedicated land disposal site, monofill, or sludge-only parcel at a municipal landfill), or incinerated; 40 CFR 258—for biosolids disposed of in a municipal solid waste landfill (with other materials); and 40 CFR 257—for all biosolids use and disposal practices not covered under 40 CFR 258 or 503.

40 CFR 503, Subpart B (land application), sets forth requirements for biosolids that are applied for the purpose of enhancing plant growth or for land reclamation. 40 CFR 503, Subpart C (surface disposal), sets forth requirements for biosolids that are placed on land for the purpose of disposal.

The Discharger is responsible for assuring that all biosolids produced at its facility are used or disposed of in accordance with these rules, whether the Discharger uses or disposes of the biosolids itself, or transfers their biosolids to another party for further treatment, use, or disposal. The Discharger is responsible for informing subsequent preparers, applicers, and disposers of requirements they must meet under these rules.

(b) Duty to Mitigate: The Discharger shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.

(c) No biosolids shall be allowed to enter wetlands or other waters of the United States.

(d) Biosolids treatment, storage, use, or disposal shall not contaminate groundwater.

(e) Biosolids treatment, storage, use, or disposal shall not create a nuisance such as objectionable odors or flies.

(f) The Discharger shall assure that haulers transporting biosolids offsite for treatment, storage, use, or disposal take all necessary measures to keep the biosolids contained. Trucks hauling biosolids that are not Class A, as defined at 40 CFR 503.32(a), shall be cleaned as necessary after loading and after unloading, so as to have no biosolids on the exterior of the truck or wheels. Trucks hauling biosolids that are not Class A shall be tarped. All haulers must have spill clean-up procedures. Trucks hauling biosolids that are not Class A shall not be used for hauling food or feed crops after unloading the biosolids unless the Discharger submits a hauling description, to be approved by USEPA, describing how trucks will be thoroughly cleaned prior to adding food or feed.

(g) If biosolids are stored for over two years from the time they are generated, the Discharger must ensure compliance with all requirements for surface disposal under 40 CFR 503, Subpart C, or must submit a written notification to USEPA and the State with the information specified under 40 CFR 503.20(b), demonstrating the need for longer temporary storage. During storage of any length for non-Class A biosolids,

whether on the facility site or off-site, adequate procedures must be taken to restrict access by the public and domestic animals.

(h) Any biosolids treatment, disposal, or storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect the site boundaries from erosion, and to prevent any conditions that would cause drainage from the materials to escape from the site. Adequate protection is defined as protection from at least a 100-year storm and the highest tidal stage which may occur.

(i) There shall be adequate screening at the plant headworks and/or at the biosolids treatment units to ensure that all pieces of metal, plastic, glass, and other inert objects with a diameter greater than 3/8 inches are removed.

ii. Inspection and Entry

The USEPA, State, or an authorized representative thereof, upon the presentation of credentials, shall be allowed by the Discharger directly, or through contractual arrangements with their biosolids management contractors, to:

(a) Enter upon all premises where biosolids produced by the Discharger are treated, stored, used, or disposed of, by either the Discharger or another party to whom the Discharger transfers biosolids for further treatment, storage, use, or disposal.

(b) Have access to and copy any records that must be kept by either the Discharger or another party to whom the Discharger transfers biosolids for further treatment, storage, use, or disposal, under the conditions of this permit or 40 CFR 503.

(c) Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations used in biosolids treatment, storage, use, or disposal by either the Discharger or another party to whom the Discharger transfers biosolids for further treatment, storage, use, or disposal.

iii. Monitoring

(a) Biosolids shall be monitored for the following constituents, at the frequency stipulated in Table 1 of 40 CFR 503.16: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, zinc, organic nitrogen, ammonia nitrogen, and total solids. If biosolids are removed for use or disposal on a routine basis, sampling should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period prior to use or disposal, sampling may occur at regular intervals, or samples of the accumulated stockpile may be collected prior to use or disposal, corresponding to the tons accumulated in the stockpile over that period.

Monitoring shall be conducted using the methods in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), or as otherwise required under 40 CFR 503.8(b). All results must be reported on a 100% dry weight basis and records of all analyses must state on each page of the analytical results whether the reported results are expressed on an "as-is" or a "100% dry weight" basis.

(b) The Discharger shall sample biosolids twice per year for the pollutants listed under CWA Section 307(a), using best practicable detection limits.

iv. Pathogen and Vector Control

(a) Prior to land application, the permittee shall demonstrate that biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed under 40 CFR 503.32.

(b) Prior to disposal in a surface disposal site, the Discharger shall demonstrate that biosolids meet Class B pathogen reduction levels, or ensure that the site is covered at the end of each operating day. If pathogen reduction is demonstrated using a "Process to Further Reduce Pathogens" or one of the "Processes to Significantly Reduce Pathogens", the Discharger shall maintain daily records of the operating parameters used to achieve this reduction. If pathogen reduction is demonstrated by testing for fecal coliform and/or pathogens, samples must be collected at the frequency specified in Table 1 of 40 CFR 503.16. If Class B is demonstrated using fecal coliform, at least seven grab samples must be collected during each monitoring period and a geometric mean calculated from these samples. The following holding times between sample collection and analysis shall not be exceeded: fecal coliform—24 hours when cooled to 4 degrees C; Salmonella spp. bacteria—24 hours when cooled to 4 degrees C; enteric viruses—2 weeks when frozen; helminth ova—one month when cooled to 4 degrees C.

(c) For biosolids that are land applied or placed in a surface disposal site, the Discharger shall track and keep records of the operational parameters used to achieve the Vector Attraction Reduction requirements under 40 CFR 503.33(b).

v. Surface Disposal

If biosolids are placed in a surface disposal site (dedicated land disposal site or monofill), a qualified groundwater scientist shall develop a groundwater monitoring program for the site, or shall certify that the placement of biosolids on the site will not contaminate an aquifer.

vi. Landfill Disposal

Biosolids placed in a municipal landfill shall be tested by the Paint Filter Test (Method 9095) at the frequency specified in Table 1 of 40 CFR 503.16, or more often if necessary to demonstrate that there are no free liquids.

vii. Notifications

The Discharger, either directly or through contractual arrangements with their biosolids management contractors, shall comply with the following notification requirements.

(a) Notification of Non-compliance

The Discharger shall notify USEPA and the State (for both Discharger and use or disposal site) of any non-compliance within 24 hours, if the non-compliance may seriously endanger health or the environment. For other instances of non-compliance, the Discharger shall notify USEPA and the State of the non-compliance in writing within 5 working days of becoming aware of the noncompliance. The Discharger shall require their biosolids management contractors to notify USEPA and the State of any noncompliance within these same time-frames.

(b) Interstate Notification

If biosolids are shipped to another State or Tribal Land, the Discharger shall send 60 days prior notice of the shipment to the permitting authorities in the receiving State or Tribal Land, and the USEPA Regional Office.

(c) Land Application Notification

Prior to using any biosolids from this facility (other than composted biosolids) at a new or previously unreported site, the permittee shall notify USEPA and the State.

This notification shall include a description and topographic map of the proposed site(s), names and addresses of the applicer and site owner, and a listing of any State or local permits which must be obtained. It shall also include a description of the crops or vegetation to be grown, proposed loading rates, and a determination of agronomic rates.

Within a given monitoring period, if any biosolids do not meet the applicable metals concentration limits specified under 40 CFR 503.13, then the Discharger (or its contractor) must pre-notify USEPA, and determine the cumulative metals loading at that site to date, as required by 40 CFR 503.12.

The Discharger shall notify the applicer of all subject requirements under 40 CFR 503, including the requirement for the applicer to certify that management practices, site restrictions, and applicable vector attraction reduction requirements have been met. The Discharger shall require the applicer to certify at the end of 38 months, following application of Class B biosolids, that harvesting restrictions in effect for up to 38 months have been met.

(d) Surface Disposal Notification

Prior to disposal at a new or previously unreported site, the Discharger shall notify USEPA and the State. The notice shall include a description and topographic map of the proposed site, depth to groundwater, whether the site is lined or unlined, site operator and site owner, and any State or local permits. It shall also describe procedures for ensuring grazing and public access restrictions for three years following site closure. The notice shall include a groundwater monitoring plan or description of why groundwater monitoring is not required.

viii. Reporting

The Discharger shall submit an annual biosolids report to the USEPA Region 9 Biosolids Coordinator and the State by February 19 of each year for the period covering the previous calendar year. The report shall include:

- (a) The amount of biosolids generated that year, in dry metric tons, and the amount accumulated from previous years.
- (b) Results of all pollutant monitoring required under Monitoring, above. Results must be reported on a 100% dry weight basis.
- (c) Demonstrations of pathogen and vector attraction reduction methods, as required under 40 CFR 503.17 and 503.27, and certifications.
- (d) Names, mailing addresses, and street addresses of persons who received biosolids for storage, further treatment, disposal in a municipal landfill, or other use or disposal method not covered above, and volumes delivered to each.
- (e) The following information must be submitted by the Discharger, unless the Discharger requires its biosolids management contractors to report this information directly to the EPA Region 9 Biosolids Coordinator. For land application sites:
 - Locations of land application sites (with field names and numbers) used that calendar year, size of each field applied to, applicer, and site owner.
 - Volumes applied to each field (in wet tons and dry metric tons), nitrogen applied, and calculated plant available nitrogen.
 - Crops planted, dates of planting and harvesting.

- For biosolids exceeding 40 CFR 503.13 Table 3 metals concentrations, the locations of sites where the biosolids were applied and cumulative metals loading at the sites to date.
- Certifications of management practices at 40 CFR 503.14.
- Certifications of site restrictions at 40 CFR 503(b)(5).

For surface disposal sites:

- Locations of sites, site operator and site owner, size of parcel on which biosolids were disposed.
- Results of any required groundwater monitoring.
- Certifications of management practices at 40 CFR 503.24.

For closed sites, the date of site closure and certifications of management practices for three years following site closure.

(f) All reports shall be submitted to:

Regional Biosolids Coordinator
U.S. Environmental Protection Agency
CWA Compliance Office (WTR-7)
75 Hawthorne Street
San Francisco, CA 94105-3901

<State agency contact and address>

